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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,985	01/29/2004	Benjamin A. Knott	130332.00048	4389
67942 7590 06/17/2008 RAMAN N. DEWAN JACKSON WALKER, L.L.P. 100 CONGRESS AVENUE SUITE 1100 AUSTIN, TX 78701				
EXAMINER GAUTHIER, GERALD				
ART UNIT 2614		PAPER NUMBER		
MAIL DATE 06/17/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/766,985

Applicant(s)

KNOTT ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 11-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of **claims 11-26** in the reply filed on May 28, 2008 is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 11-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelland et al. (US 2002/0029203 A1) in view of Cohen et al. (US 2002/0095295 A1).

Regarding **claim 11**, Pelland discloses a method for developing an electronic personal assistant [paragraph 0003], comprising;

identifying personality traits key to customer satisfaction [The personality unit 26 provides a personality for the PA that is defined in terms of the personality parameters 20, which correspond to different personality traits, paragraph 0020];

assigning values to the identified personality traits [The key personality traits discussed earlier are therefore mapped into established parameters from differentiating styles of doing business in different cultures, paragraphs 0025 and 0026];

defining a plurality of personality profiles based on the assigned values [The parameters are further refined to capture those aspects of the personality that are manifested through voice and manner of execution (step 36), paragraph 0026];

evaluating measurable customer satisfaction effects associated with each personality profile [adapting her style of task management to best fit the preferences of the individual subscriber, paragraph 0027];

rating the personality profiles regarding their ability to represent key personality traits in one or more selected automated systems [the derivation of relevant personality parameters (the personality parameters 20 from FIG. 1) is As accomplished within the

context of two well-established, empirically derived frameworks for describing personality, paragraph 0029];

varying one or more characteristics of the personality profiles [others vary across situational contexts, for example, based on culture (market segment or National) or diversity of situations for individual subscriber, such as business versus home/leisure, paragraph 0031]; and

evaluating the varied personality profile characteristics to identify characteristics most capable of conveying preferred personality traits [Those personality traits which any individual subscriber views as most important, and therefore need most careful matching, may be those which are most pronounced in the subscriber, paragraph 0033].

Pelland fails to disclose an automated speech recognition application.

However, Cohen teaches an automated speech recognition application to provide dialogs with human [a speech recognition system automatically detects one or more characteristics associated with a dialog and uses the detected characteristic(s) to customize (personalize) the dialog for the human speaker in real-time at the application level, paragraph 0020].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Pelland using the teaching of automated speech recognition system as taught by Cohen.

This modification of the invention enables the system to have an automated speech recognition application so that the user would have a more richer, efficient and enjoyable experience.

Regarding **claim 12**, Pelland discloses a method, further comprising assigning empirical weightings to the identified personality traits using regression analysis [paragraph 0033].

Regarding **claim 13**, Pelland discloses a method, further comprising performing a one-way analysis of variance for each identified personality trait [paragraph 0035].

Regarding **claims 14 and 26**, Pelland discloses a method, further comprising performing the regression analysis on the identified personality traits to determine a relationship between the identified personality traits [paragraph 0033].

Regarding **claims 15 and 25**, Pelland discloses a method, further comprising identifying the personality traits key to customer satisfaction using interviews with a sample population [paragraph 0031].

Regarding **claims 16 and 21**, Pelland discloses a method, further comprising identifying personality traits key to customer satisfaction using questionnaires with a sample population [paragraph 0033].

Regarding **claims 17 and 22**, Pelland discloses a method, further comprising varying an application in which a personality profile is to be used to rate the ability of the

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personality profile to represent the key personality traits of customer satisfaction [paragraph 0031].

Regarding **claims 18 and 23**, Pelland discloses a method, further comprising varying characteristics of a test population used to rate the personality profiles regarding an ability to represent the key personality traits in one or more automated systems and in evaluating the varied personality profile characteristics to identify the characteristics most capable of conveying preferred personality traits [paragraph 0033]..

Regarding **claims 19 and 24**, Pelland discloses a method, further comprising varying one or more verbal characteristics of each personality profile to identify characteristics most capable of conveying preferred personality traits [paragraph 0033].

Regarding **claim 20**, Pelland in combination with Cohen disclose all the limitations of claim 20 as stated in claim 1's rejection above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wood et al. is cited for determining personal characteristics of an individual or group.

Hendricks et al. is cited for interactive program suggestion.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner, Art Unit 2614

/GG/
June 16, 2008